

REMARKS

Claims 1-10 are pending in the application.

The Office Action indicates that the drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include a reference sign, “#32”, not mentioned in the description. The reference sign referred to appears in the flow chart shown in Fig. 14 as a label for a step containing the text “iEnd = i-1”. This step is discussed in the specification as filed at page 18, lines 3-6. By this Amendment, page 18, line 5 of the specification has been amended to add the reference sign “#32” to the description. No new matter has been added. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

35 U.S.C. § 103(a) Rejections

Claims 1-8 and 10

Claims 1-8 and 10 presently stand rejected under 35 U.S.C. § 103(a) over Higashino (U.S. Patent No. 6,330,055) in view of Muramatsu (U.S. Patent No. 5,563,677). Because the proposed combination of Higashino and Muramatsu does not disclose or suggest all of the limitations of claims 1-8 and 10, it is respectfully submitted that claims 1-8 and 10 are patentable over the cited art.

Specifically, with respect to claim 1 (and claims 2-8, which depend from claim 1), this claim recites “a creator for creating distance data of the unmeasurable region based on the distance data of the measurable region among the plurality of distance measuring regions and the spacing calculated by said calculator.”

This limitation is not disclosed by the proposed combination of Higashino and Muramatsu. As pointed out in the Office Action, Higashino discloses the use of a default distance value for use when a distance cannot be reliably detected. Thus, Higashino fails

to disclose or suggest the use of distance data of a measurable region to create distance data of an unmeasurable region. With respect to Muramatsu, this reference discloses determining a distance based on several detected distances. However, Muramatsu does not address the problem of unmeasurable regions of the object region. The distances referred to in Muramatsu as being beyond a threshold value are not the distances of the unmeasurable regions, but instead are distances of the objects that are a scene as a landscape(see Muramatsu, col. 5, lines 31-39). Muramatsu fails to disclose or suggest the use of distance data of a measurable region to create distance data of an unmeasurable region. Thus, if one skilled in the art were to combine Higashino and Muramatsu, the only teaching with respect to the distances of issue of unmeasurable regions would be found in Higashino, which teaches the use of a default distance rather than the use of measurable distances. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Higashino and Muramatsu, this proposed combination would still fail to disclose or suggest "creating distance data of the unmeasurable region based on the distance data of the measurable region" as recited in claim 1. Since the proposed combination of Higashino and Muramatsu fails to disclose or suggest all of the limitations of claim 1, the proposed combination of Higashino and Muramatsu cannot render obvious claim 1, or claims 2-8 which depend from claim 1.

With respect to claim 10, this claim recites "a creator for creating distance data of the unmeasurable region based on the distance data of the measurable region among the plurality of distance measuring regions and the spacing calculated by said calculator." Thus, the arguments presented above in connection with claim 1 apply equally to claim 10, so it is respectfully submitted that the proposed combination of Higashino and Muramatsu cannot render obvious claim 10.

Accordingly, it is respectfully requested that the rejection of claims 1-8 and 10 under 35 U.S.C. § 103(a) over Higashino in view of Muramatsu be reconsidered and withdrawn.

Claim 9

Claim 9 presently stands rejected under 35 U.S.C. § 103(a) over Higashino in view of Muramatsu, and further in view of Tanaka (US 6,433,824). Because the proposed combination of Higashino, Muramatsu, and Tanaka does not disclose or suggest all of the limitations of claim 9, it is respectfully submitted that claim 9 is patentable over the cited art.

Specifically, claim 9 recites “a creator for creating distance data of the unmeasurable region based on the distance data of the measurable region among the plurality of distance measuring regions and the spacing calculated by said calculator.”

This limitation is not disclosed by the proposed combination of Higashino, Muramatsu, and Tanaka. As pointed out above, Higashino and Muramatsu, both alone and in combination, fail to disclose or suggest the above limitation. With respect to Tanaka, this reference is similar to Muramatsu in that it does not address the problem of unmeasurable distances. Thus, if one skilled in the art were to combine Higashino, Muramatsu, and Tanaka, the only teaching with respect to the issue of unmeasurable distances would be found in Higashino, which teaches the use of a default distance rather than the use of measurable distances. Therefore, it follows that if one skilled in the art were to consider the proposed combination of Higashino, Muramatsu, and Tanaka, this proposed combination would still fail to disclose or suggest “creating distance data of the unmeasurable region based on the distance data of the measurable region” as recited in claim 9. Since the proposed combination of Higashino, Muramatsu, and Tanaka fails to disclose or suggest all of the limitations of claim 9, the proposed combination of Higashino, Muramatsu, and Tanaka cannot render obvious claim 9.

Accordingly, it is respectfully requested that the rejection of claim 9 under 35 U.S.C. § 103(a) over Higashino in view of Muramatsu, and further in view of Tanaka, be reconsidered and withdrawn.

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Amendment dated March 1, 2004
Reply to Office Action of November 6, 2003

CONCLUSION


In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any fee required for such Petition for Extension of Time, and any other fee required by this document, other than the issue fee, and not submitted herewith, should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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